

APPENDIX

Reports of Committees on Engrossed and Enrolled Bills

October 13, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Engrossed Bills, beg to report we have carefully examined, compared and read Senate Concurrent Resolutions Nos. 4 and 5, and find same correctly engrossed.

ROBERTS, Chairman.

October 7, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Engrossed Bills, beg to report we have carefully examined, compared and read S. B. No. 2, and find same correctly engrossed.

ROBERTS, Chairman.

October 12, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Engrossed Bills, beg to report we have carefully examined, compared and read S. B. No. 3, and find same correctly engrossed.

ROBERTS, Chairman.

October 13, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Engrossed Bills, beg to report we have carefully examined, compared and read S. B. No. 6, and find same correctly engrossed.

ROBERTS, Chairman.

October 14, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Enrolled Bills beg to report we have carefully examined, compared and read S. B. No. 2, and find same correctly enrolled.

WESTERFELD, Chairman.

THIRTEENTH DAY

(Wednesday, October 20, 1937)

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by President Woodul.

The roll was called, and the following Senators were present:

Aikin	Oneal
Beck	Pace
Brownlee	Rawlings
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Davis	Small
Head	Spears
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Weinert
Moore	Westerfeld
Neal	Winfield
Nelson	Woodruff
Newton	

A quorum was announced present.

The invocation was offered by the Chaplain.

On motion of Senator Neal, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with.

Message from the Governor

The President laid before the Senate, and had read, the following message, which was referred to the Committee on Nominations of the Governor:

Executive Office

Austin, Texas,
October 14, 1937.

To the Senate of the Forty-fifth Legislature (Second Called Session).

I ask the advice, consent and confirmation of the Senate to the following appointment:

To be Judge of the Special Ninth District Court:

E. T. Murphy, of Polk County (re-appointment under provisions of Subdivision 9-A, Article 199, under which, as provided at the Regular Session,

the court was extended to December 17, 1938).

Respectfully submitted,

JAMES V. ALLRED,
Governor of Texas.

Petitions and Memorials

Senator Holbrook submitted a letter from J. W. Chancellor of Bowie, Texas, in the nature of a petition opposing additional tax levies, which was read to the Senate.

Reports of Standing Committees

Reports on Senate Bills Nos. 18, 11, 16, and 24, and on House Bills Nos. 74, 59, 104, 70, 32, 61, 49, 137, 69, 111, 114, 124, 121, 126, 107, and 138, were submitted by the chairmen of the several committees to which they were referred. [See Appendix for reports in full.]

Senate Bills on First Reading

The following bills were introduced, read first time, and referred to the committees indicated:

By Senators Hill, Burns, and Sulak:

S. B. No. 21, A bill to be entitled "An Act declaring the necessity and purpose of this enactment; appropriating out of the General Revenue Fund of the State of Texas the sum of two million (\$2,000,000.00) dollars to the Texas Old Age Assistance Commission for the purpose of paying old age assistance; and declaring an emergency."

Referred to Committee on Finance.

(President Pro Tempore Shivers in the Chair.)

By Senator Neal:

S. B. No. 22, A bill to be entitled "An Act amending Article 7332, as amended by Acts 1931, Forty-second Legislature, Second Called Session, page 31, Chapter 16, providing for the fees of officers in delinquent tax suits, providing said fees shall be treated as fees of office and accounted for as such, and declaring an emergency."

Referred to Committee on State Affairs.

By Senator Pace:

S. B. No. 23, A bill to be entitled "An Act making an appropriation of

the sum of seven hundred and ninety thousand (\$790,000.00) dollars, or so much thereof as may be necessary, out of any funds in the State Treasury not otherwise appropriated, to pay the apportionment for the period now due for the balance of the State fiscal year ending August 31, 1936, and the State fiscal year ending August 31, 1937, to all counties in which the county officers are compensated on the basis of a salary, as provided for in Section 6, Senate Bill No. 5, enacted at the Second Called Session of the Forty-fourth Legislature, and also for the period now due the district attorneys, criminal district attorneys, or county attorneys performing the duties of district attorneys, from January 1, 1936, to August 31, 1937, as provided in Subsection b, Section 13, of Senate Bill No. 5, enacted at the Second Called Session of the Forty-fourth Legislature, and declaring an emergency."

Referred to Committee on Finance.

By Senator Beck:

S. B. No. 24, A bill to be entitled "An Act fixing the compensation of the county attorneys in all counties in the State of Texas having a population of more than forty-eight thousand five hundred and forty (48,540) and less than forty-eight thousand eight hundred (48,800), according to the last preceding or any future Federal Census, repealing all laws and parts of laws in conflict herewith to the extent of such conflict only, and declaring an emergency."

Referred to Committee on Counties and County Boundaries.

By Senator Brownlee:

S. B. No. 25, A bill to be entitled "An Act applying only to the waters impounded by the Buchanan Dam and the Roy Inks Dam and covering certain portions of Lampasas, San Saba, Burnet and Llano Counties; fixing an open season for taking fish in said waters; the number of fish that may be taken or possessed during any one day, the limit of certain fish that may be taken, permitting the use of only certain means, methods or devices for taking fish in said waters; prohibiting the sale of minnows taken from such waters in said counties; providing that permits may be issued by the Game, Fish and Oyster Commission

for the use of devices, otherwise prohibited, for the removal of rough fish; providing a closed season on white bass and striped bass; prohibiting the sale of any except certain fresh-water fish from the waters to which this Act applies; making it unlawful to fire a gun on Roy Inks Lake and a certain portion of Lake Buchanan; providing a suitable penalty for violation of any provision of this Act; repealing all laws, in so far as they conflict with any portion of this Act, and declaring an emergency."

Referred to Committee on Game and Fish.

Senate Resolution No. 19

Senator Redditt offered the following resolution:

Whereas, Hon. Tom Connally, United States Senator from Texas, has rendered to the people of Texas and to the people of the United States extraordinary and outstanding services; and

Whereas, By reason of his honest, efficient and courageous services has endeared himself to many citizens of this State; and

Whereas, The many friends and admirers of Senator Connally have made possible the painting of a portrait of this distinguished Texan to be presented to the State of Texas and to the Senate of Texas in recognition and in appreciation of his usefulness to the people of the United States; now, therefore, be it

Resolved, That the Senate of Texas accept this portrait when completed, and that same be placed in an appropriate place in the Senate Chamber.

The resolution was read.

On motion of Senator Redditt, and by unanimous consent, the resolution was considered at this time, and was adopted.

Senate Concurrent Resolution No. 11

Senator Moore offered the following resolution:

Whereas, The Senate of the United States, at the last session of Congress, passed Senate Joint Resolution No. 208, and said resolution is now pending before the Judiciary Committee of the House of Representatives; and

Whereas, Said resolution, among other things, declares that the United States Government is the owner of submerged lands within the three-mile limit along the shore line of the United States, and directs the Attorney General of the United States to take such steps as may be necessary to recover such areas for the United States and to eject others therefrom; and

Whereas, Such resolution proceeds upon a mistaken premise, the fact being that such areas are the property of the several States, as has been definitely established by numerous decisions of the Supreme Court of the United States; and

Whereas, Particularly the State of Texas, when it entered the Union, expressly reserved all of its public domain, including that portion of the Gulf of Mexico, within its jurisdiction, and by legislative act in 1900 made such a part of the Public Free School Fund of Texas; and

Whereas, The effect of the passage of such a resolution and any action taken thereunder by the Attorney General of the United States would be to cloud the titles of the several States to such areas, including the State of Texas and the Public Free School Fund, and would further cloud the titles of any vendees holding under valid sales from the various States, and, as a consequence, the passage of said resolution would be an encroachment by the Government of the United States upon the rights of the several States involved; and

Whereas, A proper regard for the property rights of the several States should deter the Congress of the United States from passing any such a resolution; now, therefore, be it

Resolved by the Senate of Texas, the House of Representatives concurring, That we express the opposition of the Legislature of Texas to said resolution for reasons among others recited above, and we respectfully call upon the Senators and Representatives in Congress from Texas vigorously to oppose the passage of said Senate Joint Resolution No. 208, or any other similar legislation.

The resolution was read.

On motion of Senator Moore, and by unanimous consent, the rule requiring concurrent resolutions to be referred to a committee was suspended.

ed, and the resolution was considered at this time, and was adopted.

Senate Concurrent Resolution No. 12

Senator Pace offered the following resolution:

Whereas, At the First Called Session of the Forty-fifth Legislature, Senate Concurrent Resolution No. 8, instructing the Texas State Planning Board to investigate the advisability of the participation of the State of Texas in the New York World's Fair in New York City in 1939 and the Golden Gates International Exposition in San Francisco in 1939, was adopted; and

Whereas, The Texas State Planning Board after an exhaustive investigation has reported to the Governor and to the present session of the Legislature that such participation is not only feasible and advisable but also highly desirable in calling the attention of more than seventy million persons to the historical, scenic, recreational and industrial attractions of the State of Texas, thus stimulating tourist travel to Texas and attracting new industries and capital; and

Whereas, Public sentiment of the State of Texas, as reflected by the large number of newspaper comments and civic endorsements, seems to favor the participation of Texas at both fairs; now, therefore, be it

Resolved, That the Second Called Session of the Forty-fifth Legislature of the State of Texas, hereby authorizes and instructs the Governor to appoint a commission of forty-five members, to be known as "The New York World's Fair and San Francisco Golden Gate Exposition Commission for Texas," all of whom should be representative citizens of Texas, residing in various sections of the State, one of whom the Governor shall designate as chairman, one as vice-chairman, and one as secretary; said Commission to represent the State of Texas at the said world fairs; and to arrange for the acquisition, collection, transportation, installation, maintenance, return and advertising of exhibits of the historical, scenic, recreational and industrial attractions of the State of Texas at said world fairs, but in no event shall the State of Texas be liable for any expense incurred; and be it further

Resolved, That said Commission

shall be duly incorporated as a non-profit corporation under the laws of the State of Texas, and shall have authority to accept gifts, grants and donations of money or property in aid of such exhibits, to make necessary agreements and contracts with individuals, institutions, organizations, communities, counties and municipalities, and to employ and fix the compensation of such expert, clerical and other assistants as may be necessary; said Commissioners to serve without salary except for necessary and legitimate expenses incurred in conformity with the provisions of this resolution; and be it further

Resolved, That it shall be the duty of all public institutions, boards and commissions in the State of Texas to assist the Commission herein provided for in every way possible, within the limits of the law, by supplying said Commission with information and materials which will add to the value of the exhibits; and be it further

Resolved, That the Commission herein provided for shall, upon completion of both world fairs, submit to the Governor and to the Legislature a complete report of its activities and its income and expenditures.

The resolution was read.

On motion of Senator Pace, and by unanimous consent, the rule requiring concurrent resolutions to be referred to a committee was suspended, and the resolution was taken up for consideration at this time.

Senator Woodruff moved that the resolution be postponed indefinitely.

Senator Lemens moved that the resolution be referred to the Committee on Interstate Cooperation.

Question first recurring on the motion of Senator Lemens, it prevailed.

Message From the House

A Clerk from the House was recognized to present the following message:

Hall of the House of Representatives,
Austin, Texas,
October 20, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

H. B. No. 49, A bill to be entitled "An Act empowering and authorizing cities and towns in the State of Texas having a population in excess of 230,000 and not more than 250,000, according to the last preceding or any future Federal Census, to enact ordinances authorizing City and Town Assessors, or Assessors and Collectors to prescribe such assessment forms, lists, or statements for rendering property as will also serve as a tax roll without the necessity of re-compiling such tax roll from the original assessment roll; authorizing the binding of such assessment, forms, lists or statements and combination tax roll, regardless of whether rendered or unrendered, into one roll in alphabetical order, providing a saving clause, and declaring an emergency."

H. B. No. 61, A bill to be entitled "An Act fixing the compensation of County Auditors in certain counties, and declaring an emergency."

H. B. No. 62, A bill to be entitled "An Act authorizing, consenting to and granting permission to John Wiese, Lonnie Wiese and Tom Wiese to sue the State of Texas or Highway Department for damage to their land, and declaring an emergency."

H. B. No. 73, A bill to be entitled "An Act validating, ratifying and confirming all bond issues heretofore voted and issued, or which have been voted and not yet issued, of all common school districts, common consolidated school districts, rural high school districts and independent school districts, regardless of whether said bonds mature in serial annual installments or not, and declaring an emergency."

H. B. No. 97, A bill to be entitled "An Act repealing House Bill No. 809, Acts of the Forty-fifth Legislature, Regular Session, 1937, and declaring an emergency."

H. B. No. 98, A bill to be entitled "An Act amending Section 12 of Chapter 59, of the Acts of the Thirtieth Legislature, so as to provide that in certain counties having a population according to the last preceding Federal Census of not less than eight thousand five hundred (8,500) and not more than eight thousand seven hundred (8,700) Rural High

School Districts formed by the grouping of common school districts shall not have the authority to appoint a tax assessor, board of equalization nor tax collector, providing for an emergency."

H. B. No. 104, A bill to be entitled "An Act providing for the amount that may be allowed by County Boards of Trustees to the County Superintendents of Public Instruction for expenditures for office and traveling expenses in certain counties according to the last preceding Federal Census; making this Act cumulative of all General Laws on the same subject, such General Laws to apply except in case of conflict when the provisions of this Act shall control, and declaring an emergency."

H. B. No. 106, A bill to be entitled "An Act to provide a more adequate and equitable salary for the County Superintendents of Public Instruction in certain counties, repealing all laws and parts of laws in conflict, and declaring an emergency."

H. B. No. 107, A bill to be entitled "An Act to declare a closed season on the killing of quail in Haskell County for a period ending February 1, 1940, prescribing a penalty, and declaring an emergency."

H. B. No. 108, A bill to be entitled "An Act repealing House Bill No. 246, Acts of the Forty-fifth Legislature, Regular Session, 1937, and declaring an emergency."

H. B. No. 109, A bill to be entitled "An Act to provide an open season when it shall be lawful to hunt, take, kill and possess wild buck deer in Montgomery County, Texas; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

H. B. No. 111, A bill to be entitled "An Act to amend Chapter 23, Acts of the Fourth Called Session of the Forty-third Legislature; providing that it should be unlawful to use one dog for the purpose of hunting, pursuing and taking of deer in Jefferson, and Orange Counties, and declaring an emergency."

H. B. No. 114, A bill to be entitled "An Act amending Article 880 of the

Penal Code of the State of Texas making it lawful to use a dog in the hunting of or pursuing of or taking of any deer in Tyler County."

H. B. No. 115, A bill to be entitled "An Act providing that in all counties having a population according to the last preceding Federal Census of more than 325,000 and less than 350,000, and having two or more Criminal Districts Courts, the Deputy District Clerks serving in each of the said Criminal District Courts shall be appointed by the regularly elected Judge of said Court; providing for the salaries to be paid such Deputy District Clerks; designating the authority that each is to have; specifying the fund from which the Clerk's salaries are to be paid; repealing all laws or parts of laws in conflict herewith; providing for things necessary, incidental and pertinent hereto, and declaring an emergency."

H. B. No. 116, A bill to be entitled "An Act providing that a County Auditor may be appointed in any county having a population of not less than twenty thousand one hundred (20,100) nor more than twenty thousand one hundred and fifty (20,150) according to the last preceding Federal Census and having a taxable value of less than Fifteen Million (\$15,000,000.00) Dollars, according to the last approved tax roll; providing that Commissioners' Court in such county may by order determine the necessity for such office as well as by order may discontinue such office; providing compensation and the fund from which it shall be paid, and declaring an emergency."

H. B. No. 121, A bill to be entitled "An Act to amend Sections 3, 6, 7, 8, 9, 10, 13, 18, 20, and 24 of Article 2997a of the Revised Civil Statutes of Texas, 1925, and being Chapter 33 of the General and Special Laws of the Forty-first Legislature, Fourth Called Session by providing that the commissioners' court of any county in the State of Texas may adopt for use in elections and primary elections in at least three of the larger voting precincts in voting strength in said county any kind of voting machine approved by the Secretary of State and may adopt said voting machines at any time for use in such additional voting precincts in the county as it may deem advisable, and there-

upon such voting machines shall be used at any and all elections and primary elections, municipal, county, district or State; and all school and bond elections; providing for the payment of voting machines in such county; providing that such commissioners court is authorized to issue bonds, certificates of indebtedness, or other obligations to be used for the purpose of paying for voting machines; providing that such bond, certificates of indebtedness, or other obligations, may be issued with or without interest, payable at such time or times, as the commissioners' court may determine but shall never be issued nor sold for less than par; providing that the necessary tax shall be set aside at the time of creating such obligations so as to meet the debt provisions of the Constitution; etc., and declaring an emergency."

H. B. No. 123, A bill to be entitled "An Act amending Section I of House Bill No. 659, Acts of the Forty-fifth Legislature, Regular Session, and declaring an emergency."

H. B. No. 126, A bill to be entitled "An Act requiring any person using any trap or similar device to take any of the birds or animals of this State, upon the private lands of another person in Van Zandt County, to first obtain and have in his possession a written permit; providing other necessary regulations pertaining to the obtaining of such permit; providing that the failure to have in possession such valid permit shall be prima facie evidence of guilt; providing a suitable penalty for violation of any provisions of this Act; providing that it shall be the duty of any peace officer operating in any county affected by the provisions of this Act to enforce the provisions of this Act and repealing all laws in conflict with any provisions of this Act, in so far as they relate to Van Zandt County."

H. B. No. 131, A bill to be entitled "An Act making an appropriation of the sum of forty thousand (\$40,000.00) dollars or so much thereof as may be necessary, out of funds in the State Treasury, not otherwise appropriated, to pay contingent expenses, and to pay mileage and per diem of Members and per diem of officers and employees of the Second Called Session of the Forty-fifth

Legislature, and declaring an emergency."

H. B. No. 132, A bill to be entitled "An Act providing that in counties having a population of forty thousand nine hundred and five (40,905) and not more than forty thousand nine hundred and twenty-five (40,925) according to the preceding Federal Census, the County Judge may appoint a court stenographer to be called and known as the official County Court Reporter of the County Court; to define and prescribe the duties of such court reporter, and fix the compensation and tenure of office; prescribing the fund from which the salary is to be paid, and prescribing the taxing of costs in civil suits in which answer is filed."

H. B. No. 136, A bill to be entitled "An Act amending Article 5142 of the Revised Civil Statutes of Texas of 1925, as amended by House Bill No. 146 of the Regular Session of the Forty-fifth Legislature; providing for juvenile officers; providing for their selection, compensation, expenses, and prescribing their duties; providing for their assistants; providing all things necessary and incident to the main purpose of this Act, and declaring an emergency."

H. B. No. 137, A bill to be entitled "An Act providing a special fishing license for those who fish in the waters of Medina Lake; providing a penalty for any violation of this Act; providing for a Commission; providing for disposition of funds collected under the provisions of this Act; repealing all laws in conflict with this Act, and declaring an emergency."

H. B. No. 138, A bill to be entitled "An Act providing an open season when it shall be lawful to hunt, take or kill squirrels in Montgomery County, Texas; providing a bag limit; fixing a penalty for the violation hereof; repealing all laws in conflict herewith, and declaring an emergency."

H. B. No. 142, A bill to be entitled "An Act to validate school districts attempted to be established by the annexation or joining of a part of a county line common school district to a contiguous school district after an election held in said common school district to divide it and/or annex or

join a part or parts thereof to a contiguous district or districts whether by order of a county board of school trustees or of a County Commissioners' Court where said election resulted favorably to division and/or annexation or joining and said order of annexation or joining was in accordance with the terms of the order calling said election pertaining to said division and/or annexation, and where said order was made by County Board or Commissioners' Court of a county containing a part of said County Line Common School District, etc., and declaring an emergency."

H. B. No. 143, A bill to be entitled "An Act permitting the City Council of any city or town in this State and the trustees of independent school districts to fix the compensation of the tax assessors and collectors in said cities, towns, and independent school districts in counties with the population of not less than 43,030 and not more than 43,040, according to the last Federal Census, and declaring an emergency."

H. B. No. 124, A bill to be entitled "An Act to amend Article 4180 of the Revised Civil Statutes of the State of Texas, 1925, Acts 1937, Forty-fifth Legislature, Senate Bill No. 84, Section 1, relating to the investment of surplus funds of ward or wards in the hands of guardians or the lending of same, designating certain investments that may be made, so as to provide for the purchase by a guardian of bonds of any county, or any district or sub-division in Texas, or of any incorporated city or town in Texas, and declaring an emergency."

S. C. R. No. 5, Authorizing the State Highway Department to lend certain materials to the City of Cameron.

The House has concurred in Senate amendments to House Bill No. 96 by a vote of 108 yeas, 0 noes.

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Bills and Resolution Signed

The President signed, in the presence of the Senate, after giving due notice thereof, the following bills and resolution:

H. B. No. 60, "An Act providing that in certain counties convicts either laying their fines out in jail or working such fines out on the county farm, county roads or other public works shall receive a credit therefor of One (\$1.00) Dollar per day for each day worked or spent in jail, and declaring an emergency."

H. B. No. 96, "An Act amending Article 199, Revised Civil Statutes of Texas, Thirty-ninth Legislature, Chapter 4, page 6, 1925; providing for change in duration of term of court in the Fifty-second Judicial District; fixing the time of taking effect of this Act; and declaring an emergency."

S. C. R. No. 5, Authorizing the State Highway Department to lease, rent or loan certain machinery owned and used by the State for road paving purposes to the City of Cameron, Milam County, Texas.

House Bills on First Reading

The following bills, received from the House today, were laid before the Senate, read first time, and referred to the committees indicated:

H. B. No. 137, to Committee on Game and Fish.

H. B. No. 132, to Committee on State Affairs.

H. B. No. 131, to Committee on Finance.

H. B. No. 126, to Committee on Game and Fish.

H. B. No. 123, to Committee on Stock and Stock Raising.

H. B. No. 121, to Committee on Privileges and Elections.

H. B. No. 116, to Committee on Counties and County Boundaries.

H. B. No. 115, to Committee on Counties and County Boundaries.

H. B. No. 114, to Committee on Game and Fish.

H. B. No. 111, to Committee on Game and Fish.

H. B. No. 109, to Committee on Game and Fish.

H. B. No. 108, to Committee on State Affairs.

H. B. No. 107, to Committee on Game and Fish.

H. B. No. 106, to Committee on Education.

H. B. No. 104, to Committee on Education.

H. B. No. 98, to Committee on Educational Affairs.

H. B. No. 97, to Committee on State Affairs.

H. B. No. 73, to Committee on Civil Jurisprudence.

H. B. No. 62, to Committee on State Affairs.

H. B. No. 61, to Committee on Counties and County Boundaries.

H. B. No. 49, to Committee on State Affairs.

H. B. No. 143, to Committee on Education.

H. B. No. 142, to Committee on Education.

H. B. No. 138, to Committee on Game and Fish.

H. B. No. 136, to Committee on Counties and County Boundaries.

H. B. No. 124, to Committee on Civil Jurisprudence.

Senate Resolution No. 14

Senator Pace called from the President's table, for further consideration at this time (the resolution heretofore having been tabled subject to call):

S. R. No. 14, Providing for an investigation of the Game, Fish and Oyster Commission.

(President in the Chair.)

Senator Lemens offered the following amendment to the resolution:

Amend Senate Resolution No. 14 by striking out, in lines 7 and 8, page 2, the words "three members who shall be appointed by the President of the Senate," and inserting in lieu thereof the following: "the five members heretofore appointed under Senate Resolution No. 12 passed by the Senate at the Regular Session of the Forty-fifth Legislature."

The amendment was adopted.

The resolution, as amended, was adopted.

Senate Bill No. 13 on Engrossment

Senator Winfield called from the President's table, on its passage to engrossment (the bill having been

read second time and tabled subject to call on yesterday):

S. B. No. 13, A bill to be entitled "An Act amending Article 6077-C of the Revised Civil Statutes of the State of Texas (Acts 1933, 43rd Legislature, First Called Session, Page 275, Chapter 110) by clarifying and enlarging the description in Section 4 and adding Section 5-A, to remove the additional Public School lands from sale and lease, and Section 6-A providing for the management of public donations by the Texas State Parks Board to acquire acreage within the area, and giving the Board the power to condemn such lands and use the public funds for the purchase of such lands for park purposes, and declaring an emergency."

The President laid the bill before the Senate, and it was passed to engrossment.

Senate Bill No. 13 on Third Reading

Senator Winfield moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 13 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—31

Aikin	Oneal
Beck	Pace
Brownlee	Rawlings
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Davis	Small
Head	Spears
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Weinert
Moore	Westerfeld
Neal	Winfield
Nelson	Woodruff
Newton	

The President then laid the bill before the Senate, on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—23

Beck	Collie
Brownlee	Cotten

Davis	Redditt
Head	Roberts
Holbrook	Small
Isbell	Spears
Lemens	Stone
Neal	Van Zandt
Nelson	Weinert
Newton	Westerfeld
Pace	Winfield
Rawlings	

Nays—4

Aikin	Sulak
Burns	Woodruff

Present—Not Voting

Oneal

Absent

Hill	Shivers
Moore	

House Bill No. 74 on Second Reading

On motion of Senator Oneal, and by unanimous consent, Senate Rules 31a and 48 were suspended severally, to permit consideration of House Bill No. 74 at this time.

The President then laid before the Senate, on its second reading and passage to engrossment,

H. B. No. 74, A bill to be entitled "An Act validating, ratifying and confirming action of County Boards of Trustees in certain counties, establishing, re-defining and creating common consolidated school districts, common school districts, independent school districts, and rural high school districts, and declaring an emergency."

The bill was read second time.

Senator Oneal offered (committee) amendment to the bill:

Amend House Bill No. 74 by striking out all of Section 1 and inserting in lieu thereof the following:

"Section 1. That all common school districts, common consolidated school districts, independent school districts, and rural school districts heretofore created, defined, or re-defined by the County Board of Trustees of the County wherein such school districts are located, including those independent school districts to which territory detached from common school districts has been annexed by the County Board of Trustees of the county in which said school districts are lo-

cated, are hereby in all things validated, regardless of the fact that they were not properly created, defined, or re-defined, or enlarged by such annexation in the first instance, and regardless of the fact that there exists no record of their prior creation, and the Acts of such County Boards in creating, defining, re-defining, or attaching additional territory to such districts are hereby in all things validated; provided, however, that no action or resolution purporting to transfer any territory from one district to another district, without an affirmative vote of the voters of the districts affected shall be validated by the passage of this Act in counties having a population more than 10,120 and less than 10,140, according to the last United States Census; provided further that no action, order, or resolution purporting to annex the territory of a common school district to an independent school district without an affirmative vote of the voters of the districts affected shall be validated by the passage of this Act in any county having a population in excess of 19,900 and less than 20,020, according to the last United States Census."

The (committee) amendment was adopted.

Senator Woodruff offered the following amendment to the bill:

Amend H. B. No. 74 by adding in Section 1 of same the following:

Provided that the terms of this Act shall not apply to counties having a population of 19,150 or more and not more than 19,180 according to the 1930 census of populations, and shall not apply to Denton, Wise, Montague, Jack, Parker and Palo Pinto counties.

The amendment was adopted by the following vote:

Yeas—17

Aikin	Neal
Beck	Newton
Brownlee	Oneal
Burns	Pace
Collie	Rawlings
Hill	Westerfeld
Holbrook	Winfield
Isbell	Woodruff
Lemens	

Nays—7

Cotten	Redditt
Davis	Sulak
Head	Van Zandt
Nelson	

Present—Not Voting

Roberts	Spears
Shivers	Stone
Small	Weinert

Absent

Moore

Senator Rawlings offered the following amendment to the bill:

Amend the bill by adding thereto a new section to read as follows:

Sec. — Provided however the provisions of this Act shall not apply to Tarrant, Grimes, Montgomery, Trinity, Leon, Houston, Polk, Madison, Walker or San Jacinto counties or any division thereof whether such division is situated wholly or partly within said counties. The Legislature declares it would not have passed this Act without this exception.

Question—Shall the amendment be adopted?

On motion of Senator Oneal, the bill, with pending amendment, was tabled subject to call.

House Bill No. 32 on Second Reading

On motion of Senator Cotten, and by unanimous consent, Senate Rules Nos. 31a and 48 were suspended to permit consideration of H. B. No. 32 at this time.

The President laid before the Senate, on its second reading and passage to third reading:

H. B. No. 32, A bill to be entitled "An Act amending Article 793, Chapter 4, Code of Criminal Procedure, 1925, fixing the rate of wages in certain counties to be paid county convicts committed to workhouses, county farms, or public improvements, and declaring an emergency."

The bill was read second time and was passed to third reading.

House Bill No. 32 on Third Reading

Senator Cotten moved that the constitutional rule, requiring bills to be read on three several days, be suspended and that H. B. No. 32 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—31

Aikin	Oneal
Beck	Pace
Brownlee	Rawlings
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Davis	Small
Head	Spears
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Weinert
Moore	Westerfeld
Neal	Winfield
Nelson	Woodruff
Newton	

The President then laid the bill before the Senate, on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—30

Aikin	Oneal
Beck	Pace
Burns	Rawlings
Collie	Redditt
Cotten	Roberts
Davis	Shivers
Head	Small
Hill	Spears
Holbrook	Stone
Isbell	Sulak
Lemens	Van Zandt
Moore	Weinert
Neal	Westerfeld
Nelson	Winfield
Newton	Woodruff

Nay—1

Brownlee

House Bill No. 71 on Second Reading

On motion of Senator Nelson and by unanimous consent, Senate Rules Nos. 31a and 48 were suspended severally, to permit consideration of H. B. No. 71 at this time.

The President laid before the Senate, on its second reading and passage to third reading:

H. B. No. 71, A bill to be entitled "An Act amending Article 1645, Revised Civil Statutes of Texas, 1925, as amended by Chapter 15, Acts of the Forty-second Legislature, Second Called Session, relative to the compensation and salary to be paid County Auditors in certain counties, and declaring an emergency."

The bill was read second time.

(President Pro Tempore Shivers in the Chair.)

Senator Nelson offered the following amendment to the bill:

Amend H. B. No. 71, Section 1, by adding after the figures "1645" the letter "D" and by adding after the letters and figures "Art. 1645" at the beginning of the second paragraph in Sec. 1, the letter "D" so as to make the same hereafter read "Art. 1645D."

The amendment was adopted.

The bill then was passed to third reading.

House Bill No. 71 on Third Reading

Senator Nelson moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 71 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—31

Aikin	Oneal
Beck	Pace
Brownlee	Rawlings
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Davis	Small
Head	Spears
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Weinert
Moore	Westerfeld
Neal	Winfield
Nelson	Woodruff
Newton	

The President Pro Tempore then laid the bill before the Senate, on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—30

Beck	Oneal
Brownlee	Pace
Burns	Rawlings
Collie	Redditt
Cotten	Roberts
Davis	Shivers
Head	Small
Hill	Spears
Holbrook	Stone
Isbell	Sulak
Lemens	Van Zandt
Moore	Weinert
Neal	Westerfeld
Nelson	Winfield
Newton	Woodruff

Nay—1

Aikin

House Bill No. 137 on Second Reading

Senator Spears moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 137 be placed on its second reading and passage to third reading.

The motion prevailed by the following vote:

Yeas—31

Aikin	Oneal
Beck	Pace
Brownlee	Rawlings
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Davis	Small
Head	Spears
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Weinert
Moore	Westerfeld
Neal	Winfield
Nelson	Woodruff
Newton	

The President Pro Tempore then laid before the Senate, on its second reading and passage to third reading:

H. B. No. 137, A bill to be entitled "An Act providing a special fishing license for those who fish in the waters of Medina Lake; providing a penalty for any violation of this Act; providing for a Commission; providing for disposition of funds collected under the provisions of this Act; repealing all laws in conflict with this Act, and declaring an emergency."

On motion of Senator Spears and by unanimous consent, Senate Rules 31a and 48 were suspended severally, to permit consideration of the bill at this time.

The bill was read second time and was passed to third reading.

House Bill No. 137 on Third Reading

Senator Spears moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 137 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—31

Aikin	Oneal
Beck	Pace
Brownlee	Rawlings
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Davis	Small
Head	Spears
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Weinert
Moore	Westerfeld
Neal	Winfield
Nelson	Woodruff
Newton	

The President Pro Tempore then laid the bill before the Senate, on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—31

Aikin	Oneal
Beck	Pace
Brownlee	Rawlings
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Davis	Small
Head	Spears
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Weinert
Moore	Westerfeld
Neal	Winfield
Nelson	Woodruff
Newton	

Senate Resolution No. 20

Senator Hill, by unanimous consent, offered the following resolution:

Resolved that the State Affairs Committee be instructed to report a revenue bill for Social Security by five o'clock p. m., October 20.

HILL,
BURNS.

The resolution was read, and was transmitted to the President's table.

Senator Hill moved that the resolution be taken up for consideration at this time.

Motions to Adjourn

Senator Rawlings moved that the Senate adjourn until 10 o'clock a. m. tomorrow.

Yeas and nays were demanded, and the motion was lost by the following vote:

Yeas—12

Brownlee	Rawlings
Collie	Roberts
Davis	Shivers
Holbrook	Stone
Moore	Weinert
Pace	Winfield

Nays—16

Aikin	Newton
Beck	Oneal
Burns	Redditt
Cotten	Spears
Hill	Sulak
Isbell	Van Zandt
Lemens	Westerfeld
Neal	Woodruff

Absent

Head	Small
Nelson	

Senator Rawlings moved that the Senate adjourn until 9:50 o'clock a. m. tomorrow.

Senator Hill raised the point of order that no business had been transacted since the rejection of a motion to adjourn.

The President Pro Tempore sustained the point of order.

Senator Rawlings moved that the Senate adjourn until 9:50 o'clock a. m. tomorrow.

The motion was lost by the following vote:

Yeas—12

Brownlee	Rawlings
Collie	Roberts
Davis	Shivers
Holbrook	Stone
Moore	Weinert
Pace	Winfield

Nays—16

Aikin	Newton
Beck	Oneal
Burns	Redditt
Cotten	Spears
Hill	Sulak
Isbell	Van Zandt
Lemens	Westerfeld
Neal	Woodruff

Absent

Head	Small
Nelson	

Question recurring on the motion of Senator Hill that S. R. No. 20 be taken up for consideration at this time, it prevailed by the following vote:

Yeas—19

Aikin	Newton
Beck	Oneal
Burns	Redditt
Collie	Roberts
Cotten	Spears
Hill	Sulak
Isbell	Van Zandt
Lemens	Westerfeld
Moore	Woodruff
Neal	

Nays—8

Brownlee	Shivers
Davis	Stone
Holbrook	Weinert
Rawlings	Winfield

Present—Not Voting

Pace

Absent

Head	Small
Nelson	

The President Pro Tempore laid the resolution before the Senate for consideration at this time.

Senator Hill offered the following amendment to the resolution:

Amend Senate Resolution No. 20 to read 10:00 A. M., October 21, 1937.

Senator Burns moved the previous question on the amendment and the

resolution, and the main question was ordered.

Question first recurring on the amendment, it was adopted.

Question next recurring on the resolution, yeas and nays were demanded.

The resolution (as amended) was adopted by the following vote:

Yeas—21

Aikin	Oneal
Beck	Pace
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Hill	Spears
Isbell	Sulak
Lemens	Van Zandt
Moore	Westerfeld
Neal	Woodruff
Newton	

Nays—7

Brownlee	Stone
Davis	Weinert
Holbrook	Winfield
Rawlings	

Absent—Excused

Head	Small
Nelson	

Message From the House

A Clerk from the House was recognized to present the following message:

Hall of the House of Representatives,
Austin, Texas,
October 20, 1937.

Hon. Walter F. Woodul, President
of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

S. B. No. 1, A bill to be entitled "An Act placing in effect Senate Joint Resolution 16 amending Article III, Section 52, of the Constitution by adding Section 52d, passed at an election held throughout the State on August 23, 1937, by providing the form and manner of initiating road plans for Harris County upon petition and by resolution of the Commissioners' Court thereof; authorizing the establishment of and the creation of road districts upon petition;

prescribing in detail the procedure for such petitions, resolutions, hearings, reports of the engineer and auditor, and elections and notices thereof for the adoption of said proposed plans and the fixing of the tax rates necessary to defray the cost of construction; providing for the canvass of the returns of said elections, declaration of the results thereof, and certification of the tax rate; providing that all laws relating to the assessment and collection of State and county, current and delinquent, be made applicable to Harris County for such tax and be made applicable to such road districts; providing for a discontinuance of said plans after one year upon petition, if adopted by election; providing for the qualification of the voters of said elections; defining the authority of Harris County with respect to said road plans and road districts; providing the procedure with respect to the receipt and disbursement of funds for Harris County and said road districts, the manner of entering into contracts, and the restrictions surrounding the award of contracts and the expenditure of funds; granting the right of eminent domain to road districts to obtain right of ways; providing that no officer shall have any interest in contracts awarded to be paid from said funds of the county or road districts and providing penalties for violation of such provision; limiting the tax rate which may be voted for county purposes, road district purposes, and for both purposes; defining the duties of officials; providing in detail the exact procedure in connection with the entire subject matter of the Act; providing that existing State laws, general and special, and the Harris County Special Road Law shall be made applicable, so far as consistent, to the subject matter of this Act; restricting the use of tax moneys so raised to the construction of lasting and permanent roads and bridges and forbidding the diversion of said funds; outlining generally the methods and procedure to be used with respect to all matters relating to initiating, hearings, notices, and elections in the establishment of road plans in Harris County and in any road district, and matters incidental thereto; providing that if any provi-

sion of the Act shall be held invalid or unconstitutional, the other provisions shall not be affected; repealing all laws or parts of laws in conflict herewith; and declaring an emergency."

S. B. No. 6, A bill to be entitled "An Act amending Chapter 148 of the General Laws passed by the 42nd Legislature at its Regular Session in 1931, by adding thereto a new section to be called Section 2-b legalizing, approving and validating bonds voted by any city having a population of not less than 1525 and not more than 1550 according to any Federal census, and by any city having a population of not less than 4400 and not more than 4500 according to any Federal census, for the purpose of park improvements in and for such city and for the levy of the tax in payment of such bonds under authority of Chapter 148 of the General Laws passed by the 42nd Legislature at its Regular Session; authorizing the governing body of any such city to adopt all orders, resolutions and ordinances and to do all and further acts necessary in the issuance and sale of such bonds; authorizing such governing body to levy a direct general ad valorem tax on all taxable property in said city for the purpose of paying the interest on and principal of such bonds; enacting provisions incident and necessary to the subject and purpose of this Act; and declaring an emergency."

S. B. No. 8, A bill to be entitled "An Act to enable the Board of Regents of the University of Texas to accept, on behalf of the State, donation of lands on which taxes are past due, and to appropriate the same to the use and benefit of the University of Texas or any branch thereof as same may be directed by the donor and to protect the University of Texas or any branch thereof from enforcement of liens for land so donated, and setting forth the terms and conditions on which said lands may be accepted, and enforcements of liens suspended, and declaring an emergency."

S. B. No. 10, A bill to be entitled "An Act amending Article 3902, Revised Civil Statutes of 1925, as amended by Chapter 465, Acts of the Second Called Session of the Forty-

fourth Legislature, by adding a new section to be known as Section 3a, and providing that in counties of population of thirty-seven thousand five hundred and one and not more than sixty thousand inhabitants, according to the preceding Federal Census, the County Judge may employ one person as office assistant, bookkeeper and stenographer at a salary to be fixed by the County Judge, not to exceed Eighteen Hundred (\$1800.00) Dollars per annum, and declaring an emergency."

The House has concurred in Senate amendments to House Concurrent Resolution No. 5; by a viva voce vote.

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

House Bill No. 69 on Second Reading

On motion of Senator Moore and by unanimous consent, Senate Rules Nos. 31a and 48 were suspended severally, to permit consideration of H. B. No. 69 at this time.

The President Pro Tempore laid before the Senate on its second reading and passage to third reading:

H. B. No. 69, A bill to be entitled "An Act to validate annexation proceedings of home rule cities where such annexation proceedings took place prior to April 1, 1930, and validating all proceedings, actions and contracts and the exercise of dominion and governmental functions over such annexed territory, and declaring an emergency."

The bill was read second time.

Senator Moore offered the following (committee) amendments to the bill:

(1)

Amend House Bill No. 69 by adding to the end of Section 1 the following:

"The provisions of this act shall apply only to cities having a population of not less than 9073 nor more than 9075 inhabitants according to the latest preceding and any future Federal Census."

(2)

Amend the caption to House Bill No. 69 by adding after the words "an-

nexed territory;" the following words:

And providing that this act shall apply only to cities having a population not less than 9073 nor more than 9075 according to the latest proceeding and any future Federal Census.

The (committee) amendments were adopted severally.

The bill was passed to third reading.

House Bill No. 69 on Third Reading

Senator Moore moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 69 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—31

Aikin	Oneal
Beck	Pace
Brownlee	Rawlings
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Davis	Small
Head	Spears
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Weinert
Moore	Westerfeld
Neal	Winfield
Nelson	Woodruff
Newton	

The President Pro Tempore then laid the bill before the Senate, on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—31

Aikin	Nelson
Beck	Newton
Brownlee	Oneal
Burns	Pace
Collie	Rawlings
Cotten	Redditt
Davis	Roberts
Head	Shivers
Hill	Small
Holbrook	Spears
Isbell	Stone
Lemens	Sulak
Moore	Van Zandt
Neal	Weinert

Westerfeld
Winfield

Woodruff

Senate Bill No. 24 on Second Reading

Senator Beck moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 24 be placed on its second reading and passage to engrossment.

The motion prevailed by the following vote:

Yeas—28

Aikin	Oneal
Beck	Pace
Brownlee	Rawlings
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Davis	Spears
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Weinert
Moore	Westerfeld
Neal	Winfield
Newton	Woodruff

Absent—Excused

Head	Small
Nelson	

On motion of Senator Beck and by unanimous consent, Senate Rules Nos. 31a and 48 were suspended severally, to permit consideration of S. B. No. 24 at this time.

The President Pro Tempore laid the bill before the Senate on its second reading and passage to engrossment.

The bill was read second time and was passed to engrossment.

Senate Bill No. 24 on Third Reading

Senator Beck moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 24 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28

Aikin	Davis
Beck	Hill
Brownlee	Holbrook
Burns	Isbell
Collie	Lemens
Cotten	Moore

Neal	Spears
Newton	Stone
Oneal	Sulak
Pace	Van Zandt
Rawlings	Weinert
Redditt	Westerfeld
Roberts	Winfield
Shivers	Woodruff

Absent—Excused

Head	Small
Nelson	

The President Pro Tempore then laid the bill before the Senate, on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—28

Aikin	Oneal
Beck	Pace
Brownlee	Rawlings
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Davis	Spears
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Weinert
Moore	Westerfeld
Neal	Winfield
Newton	Woodruff

Absent—Excused

Head	Small
Nelson	

Senate Bill No. 16 on Second Reading

On motion of Senator Davis and by unanimous consent, Senate Rules Nos. 31a and 48 were suspended severally, to permit consideration of S. B. No. 16 at this time.

The President Pro Tempore laid before the Senate on its second reading and passage to engrossment:

S. B. No. 16, A bill to be entitled "An Act to exempt from county supervision of its schools all independent school districts in certain counties regardless of the population of said districts, and declaring an emergency."

The bill was read second time and was passed to engrossment.

Senate Bill No. 16 on Third Reading

Senator Davis moved that the constitutional rule requiring bills to be

read on three several days be suspended and that S. B. No. 16 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28

Aikin	Oneal
Beck	Pace
Brownlee	Rawlings
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Davis	Spears
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Weinert
Moore	Westerfeld
Neal	Winfield
Newton	Woodruff

Absent—Excused

Head	Small
Nelson	

The President Pro Tempore then laid the bill before the Senate, on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—28

Aikin	Oneal
Beck	Pace
Brownlee	Rawlings
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Davis	Spears
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Weinert
Moore	Westerfeld
Neal	Winfield
Newton	Woodruff

Absent—Excused

Head	Small
Nelson	

House Bill No. 61 on Second Reading

Senator Aikin moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 61 be placed on its second reading and passage to third reading.

The motion prevailed by the following vote:

Yeas—28

Aikin	Oneal
Beck	Pace
Brownlee	Rawlings
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Davis	Spears
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Weinert
Moore	Westerfeld
Neal	Winfield
Newton	Woodruff

Absent—Excused

Head	Small
Nelson	

The President Pro Tempore then laid before the Senate, on its second reading and passage to third reading:

H. B. No. 61, A bill to be entitled "An Act fixing the compensation of County Auditors in certain counties, and declaring an emergency."

On the motion of Senator Aikin and by unanimous consent, Senate Rules 31a and 48 were suspended severally, to permit consideration of the bill at this time.

The bill was read second time and was passed to third reading.

House Bill No. 61 on Third Reading

Senator Aikin moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 61 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28

Aikin	Oneal
Beck	Pace
Brownlee	Rawlings
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Davis	Spears
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Weinert
Moore	Westerfeld
Neal	Winfield
Newton	Woodruff

Absent—Excused

Head	Small
Nelson	

The President Pro Tempore then laid the bill before the Senate, on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—28

Aikin	Oneal
Beck	Pace
Brownlee	Rawlings
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Davis	Spears
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Weinert
Moore	Westerfeld
Neal	Winfield
Newton	Woodruff

Absent—Excused

Head	Small
Nelson	

House Bill No. 104 on Second Reading

Senator Stone moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 104 be placed on its second reading and passage to third reading.

The motion prevailed by the following vote:

Yeas—28

Aikin	Oneal
Beck	Pace
Brownlee	Rawlings
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Davis	Spears
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Weinert
Moore	Westerfeld
Neal	Winfield
Newton	Woodruff

Absent—Excused

Head	Small
Nelson	

The President Pro Tempore then laid before the Senate, on its second

reading and passage to third reading:

H. B. No. 104, A bill to be entitled "An Act providing for the amount that may be allowed by County Boards of Trustees to the County Superintendents of Public Instruction for expenditures for office and traveling expenses in certain counties according to the last preceding Federal Census; making this Act cumulative of all General Laws on the same subject, such General Laws to apply except in case of conflict when the provisions of this Act shall control, and declaring an emergency."

On motion of Senator Stone, and by unanimous consent, Senate Rules Nos. 31a and 48 were suspended severally, to permit consideration of the bill at this time.

The bill was read second time and was passed to third reading.

House Bill No. 104 on Third Reading

Senator Stone moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 104 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28

Aikin	Oneal
Beck	Pace
Brownlee	Rawlings
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Davis	Spears
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Weinert
Moore	Westerfeld
Neal	Winfield
Newton	Woodruff

Absent—Excused

Head	Small
Nelson	

The President Pro Tempore then laid the bill before the Senate, on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—28

Aikin	Oneal
Beck	Pace
Brownlee	Rawlings
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Davis	Spears
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Weinert
Moore	Westerfeld
Neal	Winfield
Newton	Woodruff

Absent—Excused

Head	Small
Nelson	

House Bill No. 111 on Second Reading

Senator Collie moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 111 be placed on its second reading and passage to third reading.

The motion prevailed by the following vote:

Yeas—28

Aikin	Oneal
Beck	Pace
Brownlee	Rawlings
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Davis	Spears
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Weinert
Moore	Westerfeld
Neal	Winfield
Newton	Woodruff

Absent—Excused

Head	Small
Nelson	

The President Pro Tempore then laid before the Senate, on its second reading and passage to third reading:

H. B. No. 111, A bill to be entitled "An Act to amend Chapter 23, Acts of the Fourth Called Session of the Forty-third Legislature; providing that it should be lawful to use one dog for the purpose of hunting, pursuing and taking of deer in Jeffer-

son, and Orange Counties, and declaring an emergency."

On motion of Senator Collie and by unanimous consent, Senate Rules Nos. 31a and 48 were suspended severally, to permit consideration of the bill at this time.

The bill was read second time and was passed to third reading.

House Bill No. 111 on Third Reading

Senator Collie moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 111 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28

Aikin	Oneal
Beck	Pace
Brownlee	Rawlings
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Davis	Spears
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Weinert
Moore	Westerfeld
Neal	Winfield
Newton	Woodruff

Absent—Excused

Head	Small
Nelson	

The President Pro Tempore then laid the bill before the Senate, on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—28

Aikin	Oneal
Beck	Pace
Brownlee	Rawlings
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Davis	Spears
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Weinert
Moore	Westerfeld
Neal	Winfield
Nelson	Woodruff

Absent—Excused

Head	Small
Nelson	

Senate Resolution No. 21

Senator Lemens, by unanimous consent, offered the following resolution:

Whereas under S. R. No. 13, the Senate authorized that a floral offering be sent to the funeral of Mr. R. J. Cowley, therefore be it resolved that the sum of ten dollars be paid out of the mileage per diem and contingent expense of the Senate to Tobin's for said floral offering.

The resolution was read, and by unanimous consent, it was considered at this time and was adopted.

Adjournment

On motion of Senator Lemens, the Senate, at 12:55 o'clock p. m., adjourned until 10 o'clock a. m., tomorrow.

APPENDIX

Reports of Standing Committees

Committee Room,
October 19, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Education, to whom was referred S. B. No. 11,

Have had the same under consideration and beg leave to report same favorably with the recommendation that it do pass and be not printed.

COTTEN, Chairman.

Committee Room,
October 20, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

S. B. No. 16, A bill to be entitled "An Act to exempt from county supervision of its schools all independent school districts in certain counties regardless of the population of said districts, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass and be not printed.

COTTEN, Chairman.

Committee Room,
October 19, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Education, to whom was referred

H. B. No. 74, A bill to be entitled "An Act validating, ratifying, and confirming action of Board of Trustees in establishing, redefining, and creating Common School Districts, Independent School District, and Rural High School District, with certain exceptions; and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass with the attached committee amendment and be not printed.

COTTEN, Chairman.

Committee Room,
October 19, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

H. B. No. 59, A bill to be entitled "An Act validating the proceedings of the County Board of School Trustees of Taylor County in annexing the Iberis Common School District No. 38 to Wylie Consolidated Common Common School District No. 11; fixing the metes and bounds, etc."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

COTTEN, Chairman.

Committee Room,
October 20, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

H. B. No. 104, A bill to be entitled "An Act providing for the amount that may be allowed by county boards of trustees to the county superintendents of public instruction for expenditures for office and traveling expenses in certain counties according to the last preceding Federal Census; making this Act cumulative of all General Laws on the same subject, such General Laws to apply except in case of conflict when the provisions of this Act shall control; and declaring an emergency."

Have had the same under consideration, and I am instructed to report same back to the Senate, with the recommendation that it do pass and be not printed.

COTTEN, Chairman.

Committee Room,
October 19, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Mining, Irrigation and Drainage, to whom was referred

H. B. No. 70, A bill to be entitled "An Act relating to drainage districts; validating all orders heretofore entered converting said drainage districts into districts operating under Section 59 of Article XVI of the Constitution and creating and declaring such districts to be legally existing; authorizing districts operating under such provisions of the Constitution to borrow money from the Reconstruction Finance Corporation for refunding purposes and to issue refunding bonds and levy a tax in payment thereof, etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass with the following Committee Amendments and be printed.

Amend Section 2 by striking out the words "indebtedness of such district whether evidenced by notes, bonds, warrants, judgment or otherwise" and insert in lieu thereof the following: "bonds and for the purpose of paying or securing funds to pay judgments heretofore or hereafter rendered against such District, and for the purpose of paying or to

secure funds to pay warrants issued to pay judgments or to settle or compromise litigation."

Amend Section 3 by inserting immediately before the first words thereof the following: "In instances wherein the indebtedness refunded includes obligations other than voted bonds."

HILL, Chairman.

Committee Room,
October 20, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred

H. B. No. 32, A bill to be entitled "An Act amending Article 793, Title 9, Chapter 4, Code of Criminal Procedure, 1925, fixing the rate of wages in certain counties to be paid county convicts committed to workhouses, county farms, or public improvements; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

NEAL, Vice-Chairman.

Committee Room,
October 20, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your committee on Counties and County Boundaries, to whom was referred

H. B. No. 61, A bill to be entitled "An Act fixing the compensation of County Auditors in certain counties; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

SPEARS, Chairman.

Committee Room,
October 20, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your committee on State Affairs, to whom was referred

H. B. No. 49, A bill to be entitled "An Act empowering and authorizing

cities and towns in the State of Texas having a population in excess of two hundred and thirty thousand (230,000 and not more than two hundred and fifty thousand (250,000), according to the last preceding or any future Federal Census, to enact ordinances authorizing city and town assessors, or assessors and collectors, to prescribe such assessment forms, lists, or statements for rendering property as will also serve as a tax roll without the necessity of compiling such tax roll from the original assessment roll; authorizing the binding of such assessment forms, lists, or statements and combination tax roll, regardless of whether rendered or unrendered, into one roll in alphabetical order; providing a saving clause; and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

PACE, Chairman.

Committee Room,
October 20, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

H. B. No. 137, A bill to be entitled "An Act providing a special fishing license for those who fish in the waters of Medina Lake; providing a penalty for any violation of this Act; providing for a Commission; providing for disposition of funds collected under the provisions of this Act; repealing all laws in conflict with this Act, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

WEINERT, Chairman.

Committee Room,
October 20, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

H. B. No. 69, A bill to be entitled "An Act to validate annexation proceedings of Home Rule Cities where

such annexation proceedings took place prior to April 1, 1930; and validating all proceedings, actions, and contracts and the exercise of dominion and governmental functions over such annexed territory; and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass with committee amendments and be not printed.

MOORE, Vice-Chairman.

Committee Room,
October 20, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

H. B. No. 111, A bill to be entitled "An Act to amend Article 880 of the Penal Code, of the State of Texas, as amended by Chapter 23, Acts of the Fourth Called Session of the Forty-third Legislature; providing that it should be lawful to use one dog for the purpose of hunting, pursuing, and taking of deer in Jefferson, Montgomery, and Orange Counties; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

WEINERT, Chairman.

Committee Room,
October 20, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

H. B. No. 114, A bill to be entitled "An Act amending Article 880 of the Penal Code of the State of Texas, making it lawful to use a dog in the hunting or pursuing or taking of any deer in Tyler County; and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

WEINERT, Chairman.

Committee Room,
October 20, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

H. B. No. 124, A bill to be entitled "An Act to amend Article 4180 of the Revised Civil Statutes of the State of Texas 1925, Acts 1937, 45th Legislature, Senate Bill No. 84, Section 1, relating to the investment of surplus funds of ward or wards in the hands of guardians or the lending of same, designating certain investments that may be made, so as to provide for the purchase by a guardian of bonds of any County, or of any District or Sub-division in Texas, or of any Incorporated City or Town in Texas, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

WESTERFELD, Chairman.

Committee Room,
October 20, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred

H. B. No. 121, A bill to be entitled "An Act to amend Sections 3, 6, 7, 8, 9, 10, 13, 18, 20 and 24 of Article 2997a of the Revised Civil Statutes of Texas, 1925, and being Chapter 33 of the General and Special Laws of the Forty-first Legislature, Fourth Called Session by providing that the Commissioners' Court of any county in the State of Texas may adopt for use in elections and primary elections in at least three of the larger voting precincts in voting strength in said county any kind of voting machine approved by the Secretary of State and may adopt said voting machines at any time for use in such additional voting precincts in the county as it may deem advisable, and thereupon such voting machines shall be used at any and all elections and primary elections, municipal, county, district or State; and all school and

bond elections; providing for the payment of voting machines in such county; providing that such Commissioners' Court is authorized to issue bonds, certificates of indebtedness, or other obligations to be used for the purpose of paying for voting machines; providing that such bond, certificates of indebtedness, or other obligations, may be issued with or without interest, payable at such time or times, as the Commissioners' Court may determine but shall never be issued nor sold for less than par; providing that the necessary tax shall be set aside at the time of creating such obligations so as to meet the debt provisions of the Constitution; etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

SPEARS, Chairman.

Committee Room,
October 20, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred

S. B. No. 24, A bill to be entitled "An Act fixing the compensation of the county attorneys in all counties in the State of Texas having a population of more than Forty-eight Thousand Five Hundred and Forty, (48,540) and less than Forty-eight Thousand Eight Hundred (48,800), according to the last preceding or any future Federal census, repealing all laws and parts of laws in conflict herewith to the extent of such conflict only, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

SPEARS, Chairman.

Committee Room,
October 20, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

H. B. No. 126, A bill to be entitled "An Act requiring any person using any trap or similar device to take any of the birds or animals of this State, upon the private lands of another person in Van Zandt County, to first obtain and have in his possession a written permit; providing other necessary regulations pertaining to the obtaining of such permit; providing that the failure to have in possession such valid permit shall be prima facie evidence of guilt; providing a suitable penalty for violation of any provisions of this Act; providing that it shall be the duty of any peace officer operating in any county affected by the provisions of this Act to enforce the provisions of this Act; repealing all laws in conflict with any provisions of this Act, in so far as they relate to Van Zandt County; and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

WEINERT, Chairman.

Committee Room,
October 20, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

H. B. No. 107, A bill to be entitled "An Act to declare a closed season on the killing of quail in Haskell County for a period ending February 1, 1940; prescribing a penalty; and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

WEINERT, Chairman.

Committee Room,
October 20, 1936.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

H. B. No. 138, A bill to be entitled, "An Act providing an open season when it shall be lawful to hunt, take,

or kill squirrels in Montgomery County, Texas; providing a bag limit; fixing a penalty for the violation thereof; repealing all laws in conflict herewith; and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

WEINERT, Chairman.

Committee Room,
October 19, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Education, to whom was referred

S. B. No. 18, A bill to be entitled "An Act to fix the maximum rate of tax to be levied for the purpose of maintaining the public schools and issuing bonds in school districts in all counties which, according to the Federal Census of 1930, have a population of not fewer than 3960 and not more than 4000; repealing all laws in conflict herewith and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass with the attached committee amendment and be not printed.

COTTEN, Chairman.

Reports of Committees on Engrossed and Enrolled Bills

October 19, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Engrossed Bills, beg to report we have carefully examined, compared and read Senate Bills Nos. 9 and 12, and find same correctly engrossed.

ROBERTS, Chairman.

October 18, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Engrossed Bills, beg to report we have carefully examined, compared and

read Senate Bills Nos. 8 and 10, and find same correctly engrossed.

ROBERTS, Chairman.

October 18, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Engrossed Bills, beg to report we have carefully examined, compared and read S. C. R. No. 7, and find same correctly engrossed.

ROBERTS, Chairman.

October 20, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Enrolled Bills, beg to report we have carefully examined, compared and read S. C. R. No. 5, and find same correctly enrolled.

WESTERFELD, Chairman.

FOURTEENTH DAY

(Thursday, October 21, 1937)

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by President Woodul.

The roll was called, and the following Senators were present:

Aikin	ONeal
Brownlee	Pace
Burns	Rawlings
Collie	Redditt
Cotten	Roberts
Davis	Shivers
Head	Small
Hill	Spears
Holbrook	Stone
Isbell	Sulak
Lemens	Van Zandt
Moore	Weinert
Neal	Westerfeld
Nelson	Winfield
Newton	Woodruff

Absent—Excused

Beck

A quorum was announced present.

The invocation was offered by the Chaplain.